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10/069,113	06/24/2002	Masayuki Hatanaka	020233	3459

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EXAMINER

ALOMARI, FIRAS B

ART UNIT PAPER NUMBER

2136

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,113

Applicant(s)

HATANAKA ET AL.

Examiner

Firas Alomari

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). ,
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/28/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1: the claim recite the term "first user ID data" it's not clear to the examiner if the "user ID data" is the content related information or his authentication and authorization general information.

Further it's not clear to the examiner what is the difference between "reproducing content", "recording content" and "accessing content" in the claim language. Also it's not clear to the examiner if the protection information is information related to the usage of the content like restrictions on copying or playing the content or if its information related to the access of the content or device like encryption keys.

Regarding claim 3: it's not clear to the examiner how the user information is going to be changed if there is no user information registered to begin with.

Art Unit: 2136

Regarding claim 4: it's not clear to the examiner what is the difference between restricting the access to the device and restricting access to the storage unit.

Regarding claim 12: it's not clear to the examiner how the user information is going to be changed if there is no user information registered to begin with.

Regarding claim 18: it's not clear to the examiner if the memory card is any card shaped storage device or if the memory card is a smart card (IC).

Claims not specifically mentioned are rejected on virtue of their dependency on claim 1.

The claims as presented cause massive ambiguities, which make examination highly difficult. The claim Language must be more specific for Examiner to understand and be able to search for the invention. Examiner will interpret the claims to their broadest reasonable interpretation until a more clear presentation of the claims has been displayed. Examiner will interpret the claims to their broadest reasonable interpretation until a more clear presentation of the claims has been displayed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2136

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe et al. US (5,392,351) in view of Lang US (5,191,611).

Regarding claim 1: Hasebe discloses a recording device detachably attachable to a reproduction apparatus reproducing and outputting encrypted content data (Hasebe: Col 2, lines 10-15 & lines 27-29), for receiving and recording said encrypted content data therein (Hasebe: Abstract & Col 2, lines 27-29),

comprising:

a data input/output unit (1202) allowing external data communication; (Hasebe: Col 3, lines 54-56)

a first storage unit (1412) receiving said encrypted content data from said data input/output unit for storage; (Hasebe: Col 3, lines 54-56)

a user information hold unit (1530) holding first user ID data provided to identify a user of said recording device; (Hasebe: Col 4, lines 11-12 & item 13 of FIG 2)

a protection information memory unit holding protection information (Hasebe: Col 5, lines 40-45) but he doesn't disclose the protection information updatable in response to a result of comparing externally provided user information with said first user ID data. However, Lang teaches a method to distribute content to different recipients (Lang: Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD)

Art Unit: 2136

to authorize the updating of user information upon successful authorization (Lang: Col 12 lines 36-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the updating of protection information after successful authorization is provided. One of ordinary skill in the art would have been motivated to perform such a modification to provide higher flexibility for the users by enabling a subscriber to change the information concerning his authorization to limit or expand his usage (Lang: Col 12, lines 36-58).

a control unit (1420) controlling an operation of said recording device, said control unit referring to said protection information to restrict external access to said encrypted content data held in said first storage unit. (Hasebe: Col 10, lines 50-59 & Col 11, lines 11-19)

Regarding Claims 2, 15 and 17: Hasebe doesn't disclose the device of claim 1, wherein said control unit allows said user ID data to be changed when externally provided user information and said first user ID data match. However, Lang teaches a method to distribute content to different recipients (See Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD) to authorize the updating of user information upon successful authorization (Lang col. 12 lines 36-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the updating of protection information after successful authorization is provided. One of ordinary skill in the art would have

Art Unit: 2136

been motivated to perform such a modification to provide higher flexibility for the users by enabling a subscriber to change the information concerning his authorization to limit or expand his usage (Lang col. 13 lines 29-44).

Regarding claim 3: Hasebe doesn't disclose The device of claim 2, wherein said control unit allows said protection information and said user ID data to be changed when said user information hold unit does not have said first user ID data registered therein. However, Lang teaches a method to distribute content to different recipients (See Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD) (Lang col. 12 lines 36-58) and when the user information is not registered enabling the PAD to change user information . Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the updating of content information when the user information is not registered in the system yet (Lang: Col 14, lines 5-21) . One of ordinary skill in the art would have been motivated to perform such a modification to provide limited access to temporary users or give new users the opportunity to try the system before purchase (Lang col. 14 lines 5-21).

Regarding claim 4: The device of claim 1, wherein said protection information memory unit includes a first protection information memory unit (1520) holding first protection information included in said protection information for restriction on access to said recording device itself, (Hasebe: Col 9, lines 34-45) and said

Art Unit: 2136

control unit is driven by said first protection information to prohibit additionally recording new encrypted content data in said first storage unit. (Hasebe: Col 9, lines 46-59)

Regarding claim 5: The device of claim 1, wherein: said protection information memory unit includes a first protection information memory unit holding first protection information included in said protection information for restriction on access to said recording device itself; (Hasebe: Col 10, lines 26-40) and said control unit is driven by said first protection information to prohibit erasing new encrypted content data in said first storage unit. (Hasebe: Col 9, lines 41-59 / the content is un-rewritable or write-only storage medium is used)

regarding claims 13 and 14: Hasebe discloses the device of claim 1, further comprising a second storage unit (1500) holding license information data corresponding to said encrypted content data, respectively, and required for reproducing said encrypted content data (Col 3, lines 26-39) but he doesn't disclose the control unit is driven by a result of comparing second user ID data externally provided with first user ID data held in said user information hold unit, to control said second storage unit to provide said license information data to said data input/output unit. However Lang teaches a method to distribute content to different recipients (See Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD) (Lang: Col 12, lines 36-58) and when there is a match between user information

Art Unit: 2136

supplied and the user information stored therein allowing access to the content (Lang: Col 12, line 59 through col. 13 line 8 and Col 13 lines 45-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the releasing of license information after the authorization of users by comparing their supplied credentials to the one already exist in the system. One of ordinary skill in the art would have been motivated to perform such a modification to limit and track data retrievals by users, as taught by Lang (Col 13 lines 29-44).

Regarding claim 16: Hasebe discloses the device of claim 14, wherein said content user ID data is said first user ID data held in said user information hold unit when said encrypted content data corresponding thereto is distributed. (Col 7, lines 48-62)

Regarding 18: The device of claim 1, wherein said first storage unit is semiconductor memory; and said recording device is a memory card. (Col 3, lines 14-26)

3. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe et al. US (5,392,351) in view of Lang US (5,191,611) as applied to claims 1-5 above, and further in view of Shear et al. US (2001/0042043).

Art Unit: 2136

Regarding claims 6 and 7: Hasebe discloses the device of claim 5, wherein: said protection information memory unit includes only one information protection unit (Hasebe: items 1 and 13 of FIG.2) and said control unit driven by first protection information to control access to the content (Hasebe: Col 5, lines 39-45) but he doesn't disclose a second protection information memory unit (1540) holding second protection information for restriction on access for each encrypted content data and the control unit is driven by first and second protection information to prohibit erasing encrypted content data. However Shear discloses a rights management system for protecting the copying and usage of electronic contents (Shear: Page 3, Paragraph 13) where he teaches using more than one set of security control information (information protection unit) and based on the combination of one or more of the security control information deciding access level or permitted operation to the content in the storage device (Shear: Page3, Paragraph 34 & 35 and Page 15, Paragraph 214 & 215). Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was to enable the control unit to decide access based on the data in one or more of the information protection units. One would be motivated to do so in order to enable the content to be used based on one or more proposed electronic agreement (Shear: Page 15, Paragraph 214).

Regarding claims 8, 9 and 10: Hasebe discloses a system as modified above, but he doesn't teach the device of claim 6, wherein when an external instruction is received to effect an operation to reproduce said encrypted content data, said

Art Unit: 2136

control unit controls said first storage unit and is driven by said second protection information to prohibit producing said data input/output unit with encrypted content data held in said first storage unit. However Shear discloses a rights management system for protecting the copying and usage of electronic contents (Shear: Page 3, Paragraph 13) where he teaches using more than one set of security control information (information protection unit) (Shear: Page 15, Paragraph 214 & 215) and based on the second protection information deciding the access to the content (Shear: Page 16, Paragraph 220). Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was to enable the control unit to use a second protection information when deciding what operation is permitted on a specific content. One would be motivated to do so in order to enable the control unit to prohibit operations on content based on the device trying to use the content by using the protection information associated with that device (Shear: Page 15, Paragraph 220).

Regarding claim 11: Hasebe discloses a system as modified above, but lacks permitting rewriting on a storage device when there is a match between stored user information and externally provided user information. However, Lang teaches a method to distribute content to different recipients (See Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD) to authorize the updating of user information upon successful authorization (Lang col. 12 lines 36-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to enable the rewriting of information to the storage medium after successful authorization is provided. One of ordinary skill in the art would have been motivated to perform such a modification to provide higher flexibility for the users by enabling a subscriber to update or use his information after providing successful authentication (Lang col. 13 lines 29-44).

Regarding claim 12: Hasebe discloses a system as modified above, but lacks permitting rewriting on a storage device when the user ID is not registered in the device. However, Lang teaches a method to distribute content to different recipients (See Abstract) where he teaches comparing stored users information with the user information supplied by a personal access device (PAD) (Lang col. 12 lines 36-58) and when the user information is not registered enabling the PAD to change user information . Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the rewriting of content information when the user information is not registered in the system yet (Lang: Col 14, lines 5-21) . One of ordinary skill in the art would have been motivated to perform such a modification to provide limited access to temporary users or give new users the opportunity to try the system before purchase (Lang col. 14 lines 5-21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is

Art Unit: 2136

(571) 272-7963. The examiner can normally be reached on M-F from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firas Alomari
Examiner
Art Unit 2136

FA


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